



**UNITED STATES DEPARTMENT OF COMMERCE**  
**Patent and Trademark Office**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/613,153 07/06/00 FRIED

D 07027.0001-0

EXAMINER

TM02/1009

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RETTA, Y

ART UNIT

PAPER NUMBER

2162

DATE MAILED:

10/09/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

09/613,153

Applicant(s)

Fried

Examiner

Yehdega Retta

Art Unit

2162

— The MAILING DATE of this communication appears on the front sheet with the correspondence address —

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1) ☒ Responsive to communication(s) filed on Sep 21, 2001

2a) ☐ This action is FINAL.

2b) ☐ This action is non-final.

3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

## Disposition of Claims

4) ☒ Claim(s) 1-50 is/are pending in the application.

4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) ☒ Claim(s) 1-50 is/are allowed.

6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.

7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.

8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirements.

## Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.

12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) ☐ All b) ☐ Some\* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

15) ☒ Notice of References Cited (PTO-892)

18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_

16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

19) ☐ Notice of Informal Patent Application (PTO-152)

17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_

20) ☐ Other: \_\_\_\_\_

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## **DETAILED ACTION**

### ***Reissue Applications***

1. The original patent, or an affidavit or declaration as to loss or inaccessibility of the original patent, must be received before this reissue application can be allowed. See 37 CFR 1.178.

### ***Allowable Subject Matter***

2. Claims 1-50 are allowed.
3. The following is a statement of reasons for the indication of allowable subject matter:
4. Regarding claims 1, 10 and 19, the present invention is directed to creating a buyback investment report. Claims 1, 10 and 19 identify uniquely distinct features “ identifying stocks from a specified selection having buyback ratio wherein the buyback ratio corresponds to a percentage of issued stock repurchased from the public during a specific period and resulting in a decrease of shares outstanding, and identifying a price/sales ratio or price/earning ratio in the group for each such stock of a subset of stocks having buyback ratios, wherein the subset is determined based on the buyback ratio for each stock, and ranking stocks with the subset based on the price/sales ratio or price/earnings ratio for each stock, wherein the stock having the lowest price/sales ratio or price/earning ratio is ranked the highest”. The closest prior art, O’Shaughnessy U.S.Patent No. 5978778, teaches selection of stocks from a database of stock information; identifying stocks from the specified selection meeting certain criteria; and generating a report ranking a set of the identified stocks based on metric associated with performance of the corresponding company; generating a report ranking a set of identified stocks based on metric

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associated with performance of the corresponding company, fail to anticipate or render the above stated limitations obvious.

5. Regarding claims 21, 31 and 41, the invention is directed to reporting on investment or potential investments. The claims identify uniquely distinct features “ identifying stocks from the specified selection having buyback ratios, wherein a buyback ratio corresponds to percentage of shares of issued stock repurchased from the public during a specified period and resulting in a decrease of shares outstanding; and generating a report ranking a set of the identified stocks with buyback ratios based on a metric associated with performance of the corresponding company.”

The prior art, O’Shaughnessy, teaches selection of stocks from a database of stock information; identifying stocks from the specified selection meeting certain criteria; and generating a report ranking a set of the identified stocks based on metric associated with performance of the corresponding company, generating a report ranking a set of identified stocks based on metric associated with performance of the corresponding company. However failed to teach the selection criteria having buyback ratio, wherein the buyback ratio corresponds to a percentage of shares of issued stock repurchased from the public during a specific period.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Micali WO 97/24833, ideal electronic negotiations.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yehdega Retta whose telephone number is (703) 305-0436. The examiner can normally be reached on Monday-Friday from 7:30 a.m. to 4:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (703) 305-8469.

Any response to this office action should be mailed to:

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

or faxed to:


(703) 308-9051, (for formal communications intended for entry)

or:

(703) 308-5397, (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive Arlington, Virginia, (Receptionist).

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

  
ERIC W. STAMBER  
PRIMARY EXAMINER

Examiner  
Yehdega Retta  
Art Unit 2162  
October 1, 2001